

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:	
PARENT ON BEHALF OF STUDENT,	OAH CASE NO. 2014090320 (Primary)
v.	
ABC UNIFIED SCHOOL DISTRICT,	
ABC UNIFIED SCHOOL DISTRICT,	OAH CASE NO. 2014070755 (Secondary)
v.	
PARENT ON BEHALF OF STUDENT.	ORDER GRANTING MOTION TO CONSOLIDATE

On July 17, 2014, ABC Unified School District (District) filed a due process hearing request in Office of Administrative Hearings case number 2014070755 (District Case), naming parent on behalf of Student.

On September 4, 2014, Student filed a due process hearing request in OAH case number 2014090320 (Student Case), naming District.

On September 4, 2014, Student filed a motion to consolidate the District Case with the Student Case. District did not file a response to the motion.

APPLICABLE LAW

Although no statute or regulation specifically provides a standard to be applied in deciding a motion to consolidate special education cases, OAH will generally consolidate matters that involve: a common question of law and/or fact; the same parties; and when consolidation of the matters furthers the interests of judicial economy by saving time or preventing inconsistent rulings. (See Gov. Code, § 11507.3, subd. (a) [administrative proceedings may be consolidated if they involve a common question of law or fact]; Code of Civ. Proc., § 1048, subd. (a) [same applies to civil cases].)

DISCUSSION

Here, the District Case and Student Case involve a common question of law and fact. Specifically, the issues in the District Case are (i) whether Student's March 2014 individualized education programs (IEP's) offered a free appropriate public education (FAPE) and (ii) whether District's occupational therapy (OT) assessment was appropriate. The issues in the Student Case are whether District denied Student a FAPE by (i) having team members missing at the April 2013 IEP team meeting, (ii) failing to assess Student for recreational therapy needs, (iii) failing to assess Student for vision therapy needs, (iv) failing to address Student's social skill deficits in all IEP's from April 2013, (v) failing to offer Student counseling from April 2013, (vi) failing to conduct an audiological evaluation from April 2013, (vi) failing to address Student's OT needs from September 2012 through April 2013, (vii) failing to offer Student sufficient educational supports in his March 2014 IEP's and (ix) failing to conduct an appropriate OT assessment in January 2014.

Consolidation furthers the interests of judicial economy because the same witnesses and evidence will be presented in both cases on the issues of Student's unique needs at the time of the March 2014 IEP's and the appropriateness of the January 2014 OT assessment.

ORDER

1. Student's motion to consolidate is granted.
2. All dates previously set in District Case, OAH case number 2014070755, are vacated and continued to the dates set for the Student Case, OAH case number 2014090320.
3. All dates currently set in Student Case are confirmed.
4. The 45-day timeline for issuance of the decision in the consolidated cases shall be based on the date of the filing of the Student Case.
5. Student Case shall be deemed the primary case and the repository for all information regarding this consolidated matter.

DATE: September 10, 2014

/s/

ALEXA J. HOHENSEE
Administrative Law Judge
Office of Administrative Hearings